

# Town of Frederick Board of Trustees



Eric Doering, Mayor

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Liberta Hattel, Trustee  
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Gerry Pfirsch, Trustee  
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AM 2009-037

## TO CONSIDER AMENDMENTS TO LAND USE CODE ARTICLE 5 – VESTING OF PROPERTY RIGHTS

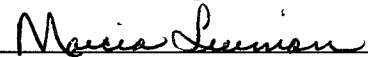
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**Agenda Date:** April 28, 2009

**Attachments:**

- a. PCR-2009-3A
- b. Red-line version of Article 5
- c. "Clean" version of Article 5
- d. Planning Commission Meeting Minutes, April 7, 2009
- e. Ordinance

**Fiscal Note:** None noted or provided Fiscal note

  
Finance Director

**Submitted by:** Jennifer Simmons   
Planning Director

**Approved for Presentation:**   
Town Administrator

**AV Use Anticipated** Projector n/a Laptop n/a

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### **Certification of Board Approval:**

\_\_\_\_\_  
Town Clerk

\_\_\_\_\_  
Date

### **Summary Statement:**

In accordance with the general updates to the Land Use Code and specific direction from the Board of Trustees, Article 5 has been amended for your consideration.

### **Detail of Issue/Request:**

Late in 2008, a developer approached staff regarding requesting vesting of property that had been final platted in the recent past. The Land Use Code required that the vesting request occur prior to the final

plat or final development plan being approved by the Board of Trustees. Staff brought the question of whether or not a vesting request could be made following approval of the final plat or final development plan. The Board of Trustees suggested that the Code be amended to allow requests for vesting up to five (5) years following the approval date. The maximum amount of time that vesting will be allowed is eight (8) years following the approval date. So for example, Development A may request vesting prior to approval of the final plat. The maximum amount of time they may request is eight (8) years following the Board of Trustees approval date. Development B may request vesting four (4) years after the Board of Trustees approval date, but may then only request four (4) years of vesting.

**Review Criteria:** Section 4.7.9.b. of the Land Use Code identifies the following criteria be addressed prior to amending the Code. For the purpose of establishing and maintaining sound, stable, and desirable development within the Town, the text of this Code shall not be amended except:

- (1) To correct a manifest error in the text of this Code;
- (2) To provide for changes in administrative practices as may be necessary to accommodate changing needs of the community and the Town staff;
- (3) To accommodate innovations in land use and development practices that were not contemplated at the adoption of this Code; or
- (4) To further the implementation of the goals and objectives of the Comprehensive Plan.

The proposed amendment provides for changes in administrative practices as well as changes in the national economy.

**Public Notice:** This project was properly noticed according to the requirements of Section 4.5 of the Frederick Land Use Code.

**Planning Commission:** The Planning Commission considered the proposed amendments at the meeting held April 7, 2009 and recommended approval with PCR-2009-03A.

**Legal/Political Considerations:**

Legal staff assisted in the drafting of the proposed amendments and has no further concerns.

**Alternatives/Options:**

The Board of Trustees may choose to accept the proposed amendments, decline the proposed amendments, or direct staff to make further revisions.

**Financial Considerations:**

Not applicable.

**Staff Recommendation:**

Staff recommends approving the proposed amendments as outlined in the attached ordinance.